

Application for Premises Licence

**Applicant's Submissions in relation to Tower Hamlets' Licensing Policy
Shawarma, 84 Brick Lane E1 6RL**

1. The applicant fully appreciates Tower Hamlets policies are intended to help applicant's by setting out criteria and considerations that they should have in mind when drawing up an operating schedule. The applicant also appreciates that the criteria, because they relate to licensing objectives, will apply to all applications to some degree, but may not necessarily apply or apply equally to all applications.
2. The premises specialise in the middle eastern cuisine of its namesake, Shawarma. It is a modest sized family-run premises with very few internal covers. Our client's application for a new premises licence just seeks authority to offer late night refreshment for consumption on and off the premises. There is no provision to sell alcohol.
3. Additionally, the applicant has proposed conditions to promote the licensing objectives and mitigate against an increase to the cumulative effect in the Special Cumulative Impact Policy for the Brick Lane area (CIZ).

Prevention of Crime & Disorder

4. There is an appropriate ratio of tables and chairs to customers based on capacity to prevent overcrowding which the applicant accepts can lead to crime and disorder. There is no street furniture for outside dining nor to encourage loitering and the applicant has agreed to install and maintain a comprehensive CCTV system by way of monitoring customer behaviour and preventing crime & disorder both inside and outside the premises.
5. The premises will not provide alcohol or facilities for music and dancing and therefore a specific assessment is not needed in relation to the risks of violence and crime in the premises and vicinity and how it may be managed if those activities take place.
6. The applicant has considered the Secretary of State's Revised Guidance (Guidance) that sets out matters that may be relevant to the imposition of conditions relating to crime and disorder on licensed premises. The applicant is of the opinion that their proposed conditions are appropriate for this particular premise.
7. The Applicant has proposed a range of conditions to be attached to their premises licence if granted that includes matters referred to in both Guidance and Tower Hamlet's Policy:
 - The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

- A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
- An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) any complaints received concerning crime and disorder
 - (c) any incidents of disorder
 - (d) any faults in the CCTV system
 - (e) any visit by a relevant authority or emergency service.
- Reasonable steps shall be taken to ensure that any person loitering outside the premises disperse quickly and do not congregate.

Public Safety

8. Owing to the limited size of the premises the applicant is confident that customers can arrive at and depart from the premises safely. It would not be possible to overcrowd the premises owing to the internal design. The layout facilitates excellent lines of sight allowing constant supervision by staff. Staff can monitor capacity levels to prevent overcrowding as a result.
9. The applicant will ensure that there are regular checks on all equipment contained within the premises. Standards will be maintained to comply with the British Standard. The premises will be kept clean at all times not only to ensure public safety but also due to the fact they operate primarily as a kebab shop and the cleanliness of work surfaces and floor surfaces in relation to food safety will be paramount. The applicant will ensure that floors are kept from becoming slippery from spillages or condensation and sound levels will be kept low due to the fact there will be no regulated entertainment and the doors and windows will be kept closed apart from floor access and egress.

Prevention of Public Nuisance

10. The application contains adequate measures to prevent public nuisance namely:
 - Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
 - All windows and external doors shall be kept closed except for immediate access and egress of persons.
 - Reasonable steps shall be taken to ensure that any person loitering outside the premises disperse quickly and do not congregate.
 - The toilet shall be available to all seated customers.

Special Cumulative Impact Policy

11. The applicant notes that the licensing authority in their policy states that they will not apply their policies inflexibly and will always consider the individual circumstance of each application; even where an application is made for a proposal that is apparently contrary to policy.
12. One of the underlying reasons, if not perhaps the main reason for the CIP is vertical and/or late night drinking, this is completely removed from this application as indeed is any form of drinking or sale of alcohol.
13. Tower Hamlets Policy sets out at 8.4: *“The effect of this Special Cumulative Impact Policy is to create a rebuttable presumption....the applicant would be expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on granting/varying new licences in the Cumulative Impact Zone.”*
14. The applicant has indeed shown through the use of TENS that they will not add to the cumulative impact. The applicant has held 4 TENS already this year operating until 02:00, covering 11 evenings, without any complaint. In 2016 the applicant held 5 TENS covering 14 weekend evenings in late November and throughout December, without substantiated complaint.
15. All TENS in fact took place without incident or major concern and in doing so demonstrate the premises can operate without adding to the cumulative impact in the Brick Lane Special Cumulative Impact Policy Area. Despite a concern as to the closing hour from one nearby resident, which was subsequently clarified and dismissed.

Hours

16. The applicant has applied for hours outside the framework hours. Tower Hamlets’ policy states (15.8) that hours applied for longer than framework hours will be considered on their merit with regard to several factors:
 - a) *The location of the premises and the general character of the area in which the premises are situated. (i.e. does the area include residential or business premises likely to be adversely affected).*
The character of the area is one of mixed residential and business with several late night venues.
 - b) *The proposed hours during which licensable activities will be take place and the proposed hours during which customers will be permitted to remain on the premises.*
0200 Monday – Sunday as demonstrated by TENS to cause no complaint.
 - c) *The adequacy of the applicant’s proposals to address the issues of the prevention of crime and disorder and the prevention of public nuisance.*
The applicant’s proposed conditions address issues of crime prevention and public disorder.
 - d) *Where the premises have been previously licensed, the past operation of the premises.*
Premises were not previously licensed, but TENS as set out above demonstrate a track record.

e) *Whether customers have access to public transport when arriving at or leaving the premises at night time and in the early hours of the morning.*

There are several public transports readily available within close proximity on Commercial Street and Bishopsgate.

f) *The proximity of the premises to other licensed premises in the vicinity and the hours of those other premises.*

Several licensed venues in the area with similar hours.

17. The Policy also states (15.6) *“The Licensing Authority is concerned to ensure that extended licensing hours do not result in alcohol-related antisocial behaviour persisting into the night and early hours of the morning. For these reasons, applications to carry on licensable activities at any time outside the framework hours will be considered on their own merits with particular regard to the matters set out in the Policy section below”*. With regard to this point, it is clear that the applicant is not applying for sale of alcohol and so references to “alcohol-related antisocial behaviour” should be treated cautiously as the applicant will not be supplying alcohol and the premises sole licensable activity is the provision of late night refreshment, namely middle eastern cuisine of its namesake Shawarma.